HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Writ Petition No. 2489 of 1991

Petitioner : T.S. Rao, aged about 64 years, S/o. Prabhakar Rao, Retired Accountant, Janpad Panchayat, Katla, District Bilaspur, M.P., resident of village Katla, Tehsil Korba, District Bilaspur, M.P.

Vs.

Respondents

1. Director, Panchayat & Social Welfare, Bhopal, M.P.
2. Dy. Director, Panchayat & Social Welfare, Collectorate, Bilaspur.
3. Collector, Bilaspur.
4. Janpad Panchayat Katla, Tehsil Korba, Distt. Bilaspur.
5. Chief Executive Officer, Janpad Panchayat Katla, Tehsil Korba, Distt. Bilaspur.

Petition under Articles 226/227 of the Constitution of India.

Present: Shri Alok Nigam, counsel for the petitioner.

ORAL ORDER

(Passed on 24th April, 2007)

The petitioner joined services as a clerk in Janpad Sabha, Kathghora, Distt. Bilaspur in the year 1954. By an order dated 05.12.1972, he was absorbed in Janpad Panchayat, Kartala. He retired from service on 01.01.1986. Being of the view that as he is entitled for certain terminal benefits such as pension, gratuity etc. the petitioner had approached the respondents. His request for granting terminal benefits like pension was rejected by the respondents. That is how, the petitioner is before this Court in this writ petition.

(2) Learned counsel appearing for the petitioner would submit that in view of Section 125 of Madhya Pradesh Panchayat Adhiniyam 1981, the petitioner is entitled to grant of pensionary benefits.

(3) First and foremost, the aforesaid provision is only a repealing provision and the said provision would save certain enactments made earlier. The said provision would not provide for any payment of terminal benefits to an employee who has retired from the service of Janpad Panchayat.

(4) An identical issue had been raised by some of the retired employees of Janpad Panchayat before the Madhya Pradesh High Court before re-organization of the State. The Madhya Pradesh High Court being of the view that the employees working in Janpad Panchayat are not the employees of the State Government, and, therefore, not entitled for pensionary benefits and accordingly had rejected the request of similarly situated employees. (See **Janpad Panchayat and Zila Panchayat Karmachari Sangh and others Vs. State of M.P. & Ors)**.

(5) After going through the judgment delivered by the Madhya Pradesh High Court, I am in full agreement with decision taken by the Court. In that view of the matter, the relief sought for by the petitioner cannot be granted. Accordingly, the writ petition is rejected. However, liberty is reserved to the petitioner to claim the gratuity before the respondents if permissible. Ordered accordingly.

Sd/-
Chief Justice